

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



REC'D 19 MAY 2004

Applicant's or agent's file reference PN626PCTMCG/TD	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/E 03/00027	International filing date (day/month/year) 21.02.2003	Priority date (day/month/year) 21.02.2002	
International Patent Classification (IPC) or both national classification and IPC F16G13/18, F16G13/18			
Applicant BETSON, Simon			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:

- I    ☒ Basis of the opinion
- II   ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV   ☐ Lack of unity of invention
- V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI   ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  22.09.2003	Date of completion of this report  18.05.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Hytrowski, P  Telephone No. +49 89 2399-2858  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/E 03/00027**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-9 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	6,7,8
	No: Claims	1-5,9
Inventive step (IS)	Yes: Claims	7
	No: Claims	6,8
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/IE 03/00027

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US-A-4 726 247

D2: US-A-6 322 472

Document D1 discloses:

an actuator comprising a series of elements 14 each rotatable relative to the next, a housing 6 accommodating at least part of the series of elements with one end of the series projecting freely beyond an exit of the housing, the elements being guided to follow a non-linear path to the exit, means for driving the series of elements relative to the housing to vary the total length of elements projecting beyond the exit, and means for maintaining the projecting elements in linear alignment in a substantially rigid column 6;

according to the entire features of claim 1.

Document D1 discloses also the features of claims 2,3,4,5 and 9.

Claims 1-5 and 9 do not comply with Article 33(2) PCT.

Dependent claims 6 and 8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because their features are described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include these features in the document device described in document D1 in order to obtain the corresponding advantage.

Claims 6 and 8 do not comply with Article 33(3) PCT.

The combination of the features of dependent claim 7 is neither known from, nor rendered obvious by, the available prior art.

Claim 7 complies with Articles 33(2) and 33(3) PCT.

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**Remarks:**

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT.

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.